

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, July 2, 2007 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY.

The following officials were present:

Mayor Schmidt	Trustee Brennan
Trustee Kane	Trustee Gallelli
Trustee Konig	Treasurer Zambrano
Attorney Staub	

Absent: Village Manager Richard Herbek

1. CALL TO ORDER

Mayor Schmidt called the meeting to order at 8:00 p.m. Everyone joined in the Pledge of Allegiance.

2. **APPROVAL OF VOUCHERS:**

Trustee Brennan made a motion to approve the vouchers as follows; the motion was seconded by Trustee Kane and approved unanimously.

General Fund	\$52,679.62
Water Fund	1,288.38
Sewer	0
Capital Fund	14,875.96
Trust Fund	472.50
Debt Fund	0
Total	\$69,316.46

Mayor Schmidt asked Village Attorney Staudt to give an update on what is happening at the 1A Croton Point Avenue facility.

Village Attorney Staudt advised that a Special Permit Application was filed with the Village after the New York State Supreme Court determined that any potential user would have the right to file a Special Permit Application with the Village to use the

property. Mr. Staudt advised that the Village did appeal that determination and the appeal is pending and is expected to be argued before the Appellate Division of the New York State Supreme Court this fall. Mr. Staudt advised that in the meantime the Village is under a Court Order to process the Special Permit Application. Mr. Staudt stated that the application was filed approximately one year ago and in accordance with the Court Order, the Village began processing of the application. Mr. Staudt stated that when the point came when the applicant was required to deposit with the Village a review fee of \$25,000 to pay for the Village's Consultants to assist in the review of their application, the fee was not deposited with the Village and subsequently the Village was not able to move forward with the processing of their application. Mr. Staudt advised that several weeks ago the \$25,000 was made to the Village and in accordance with the Court Order the Village will now resume processing of their application by engaging Consultants for this review. Mr. Staudt said that it will then go before the Planning Board for a recommendation to the Village Board.

Mayor Schmidt said that he wanted to inform the public that the application is being processed by Court Order at this time.

## 2. CORRESPONDENCE

- a. Letter from Frances Resheske, Senior Vice President of Public Affairs for Con Edison dated June 12, 2007 assuring customers that energy supplies will meet customer needs now but that more power plants will be needed to meet growing power demands in the future. Ms. Resheske also advised that Con-Edison has enhanced their outage-reporting capabilities for customers experiencing problems with their service.
- b. Letter from Sandra Sloane, New York State Department of Public Service dated June 2007 asking for assistance with their *"Saving Energy Is Cool"* program.
- c. Letter from Robert Gaudio of Snyder and Snyder, Attorney representing Omnipoint for a Special Permit Application for collocation of a personal wireless service facility at the Municipal Building.

Trustee Gallelli said that this would create the third service provider on the Municipal Building, the other two being Nextel and T-Mobile.

Mayor Schmidt stated that in their correspondence they make reference to a "Master Plan". Mayor Schmidt asked Village Attorney Staudt to contact Mr. Gaudio and have them correct their memorandum so as not to reflect "the Village Master Plan" in their memorandum and subsequent agreement.

On motion of Trustee Gallelli, seconded by Trustee Brennan it was unanimously agreed by the Board of Trustees of the Village of Croton on Hudson, New York to

refer the application from Omnipoint for a Special Permit Application to the Planning Board.

5. CITIZEN PARTICIPATION - AGENDA ITEMS - None

6. RESOLUTIONS

a. On motion of Trustee Gallelli, seconded by Trustee Kane the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the owners of 36 Oneida Ave. Co. had filed a request for an assessment reduction with the Village and the Town for the last three years; and

WHEREAS, the Village assessment translated into a market value of \$1,288,212 and the applicant was requesting a reduction in assessment to reflect a market value of \$128,821

WHEREAS, the Village and the Town denied the request each year; and

WHEREAS, when the application was denied this year the applicant filed a petition in Supreme Court; and

WHEREAS, the Village, Town, and applicant have now agreed that the assessment would be reduced to reflect a market value of \$950,000; and

WHEREAS, this will result in a tax refund to the applicant of \$9,364.12;

NOW, THEREFORE BE IT RESOLVED: that the Village Treasurer is hereby authorized to make a payment of \$9,364.12 to the owners of 36 Oneida Ave. Co.

b. On motion of Trustee Brennan seconded by Trustee Gallelli the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village and the New York State DOT have entered into a snow and ice agreement which will expire in 2009; and

WHEREAS, the Village has received an amendment to this contract reflecting the severity of the winter for the 2006/07 period; and

WHEREAS, under this amendment the estimated expenditure has been increased from \$15,061.60 to \$26,433.11;

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign Amendment B of the Indexed Lump Sum snow and ice agreement with New York State Department of Transportation expiring in 2009.

- c. On motion of Trustee Kane, seconded by Trustee Konig the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York subject to approval by the Village Attorney.

WHEREAS, 43 Harrison Street has no frontage on an approved Village road; and

WHEREAS, Susanna Jones of 43 Harrison Street has applied to the Village Board for a Right-of-Way Easement Agreement in order to gain legal ingress and egress to her property; and

WHEREAS, the Zoning Board of Appeals by resolution dated September 13, 2006 granted all required variances to said property; and

WHEREAS, John Gochman, the attorney for Susanna Jones has prepared an easement agreement which has been approved by our Village Attorney,

NOW THEREFORE BE IT RESOLVED: that based upon the short environmental assessment form the Village Board of Trustees hereby adopts a negative declaration with respect to the granting of the easement,

AND BE IT FURTHER RESOLVED: that the Village Manager is hereby authorized to sign the easement agreement providing a right-of-way ingress, and egress and utility easement to 43 Harrison Street,

AND BE IT FURTHER RESOLVED: that this easement agreement will be filed with the Westchester County Department of Land Records.

After further discussion a motion to change the resolution to reflect the following wording was made by Trustee Gallelli and seconded by Trustee Kane;

AND BE IT FURTHER RESOLVED: that the Village Manager is hereby authorized to sign the easement agreement providing *a right-of-way ingress, and egress and utility* easement to 43 Harrison Street,

- d. On motion of Trustee Kane, seconded by Trustee Brennan the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, LOSAP payments to vested firefighters who are participants in the Service Award Program are currently being handled by Ceridian; and

WHEREAS, RBC Dain Rauscher, the company that manages our funds for the Service Award Program, has recommended that the LOSAP payments be handled by Comerica Bank and Trust Company; and

WHEREAS, Comerica Bank and Trust Company provide payments with the option of federal income tax withholding and the related 1099 services,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the agreement with Comerica Bank and Trust Company to provide payments to vested firefighters who are participants in the Service Award Program.

#### 7. CITIZEN PARTICIPATION - NON-AGEND ITEMS

Clara Araujo, 9 Radnor Avenue addressed the Board with a problem she is having with neighbors parking on the street in locations that make it very difficult for her to exit her driveway. Ms. Araujo stated that she explained the problem to her neighbors but instead of being cooperative, they have made the situation even worse for her.

Mayor Schmidt asked that Police Chief Coxen contact with Ms. Araujo to assist her and the neighbors in correcting this problem.

#### 8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Regular Meeting held on June 18, 2007 as corrected. Trustee Kane seconded the motion. The Board voted unanimously to approve.

Trustee Gallelli made a motion to approve the minutes of the Executive Session held on June 18, 2007. Trustee Brennan seconded the motion. The Board voted unanimously to approve.

#### 9. REPORTS

Village Treasurer, Abe Zambrano, stated the following legal expenses: STB \$17,113.00, Metro Enviro New York State of Appeals \$9,626, Millennium Pipeline \$525, 1A Croton Point Avenue (discussions with tenant and owner) \$2,329, General Counsel \$11,266, for a total of \$40,859. Mr. Zambrano advised that since the Village started reporting on legal expenses are as follows: STB \$31,039, Metro Enviro New York State of Appeals \$32,743, 1A Croton Point Avenue Site Plan Approval \$324, Millennium Pipeline \$4,540, 1A Croton Point Avenue (discussions with tenant and owner) \$6,076 and General Counsel \$22,788 for a total since the Village started report of \$97,510 and for Fiscal Year ending 5/31/2007 total legal expenses were \$419,700.

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Mr. Zambrano advised that today was the last day to pay taxes without a penalty; the Village collected \$6,760,000 out of the \$9,823,000 total tax levy. Mr. Zambrano advised that water bills are due by July 16th.

Trustee Konig stated that with respect to the letters received from Con-Edison and the New York State Department of Public Service she encouraged everyone to think about conserving power. Trustee Konig said that the Village has experienced a couple of very small brief power outages recently and that we should all do our part to conserve.

Trustee Kane suggested that the energy saving tips from Con-Edison be placed on the web-site. Trustee Kane advised that the annual Croton Arboretum Garden Tour will be held on Sunday, July 15th and residents will be able to view a variety of local private gardens ending with a plant sale and refreshments.

Trustee Gallelli advised that the Bicycle Pedestrian Committee presented a Draft Master Plan for Bicycle and Pedestrian Improvements at a recent work session. Trustee Gallelli said that the next step is for the Draft Plan to be reviewed by Village staff and then adopted by the Village. Trustee Gallelli said that the advantage of having this Plan adopted by the Village is that some of these recommendations might be able to be funded through Federal and State funding initiatives.

Trustee Gallelli advised that a group of residents who are interested in economic development opportunities were also present at this work session. Trustee Gallelli said that they presented a proposal on how the Village might be more proactive in promoting the kind of development that they would like to see in the Harmon area. Trustee Gallelli advised that the group has tentatively set a meeting for July 23rd with all of the property owners in the Harmon area with the recognition that the most important people in this endeavor are the property owners. Trustee Gallelli said that a committee will be formed to work with the Village to move this along.

Trustee Gallelli advised that she read an article in Sunday's Westchester Section of the New York Times regarding the cost of gasoline and indicating those areas where gasoline is the highest and lowest. Trustee Gallelli said that the article talked about how the oil companies have what they call "zoned pricing" and read the following from the article *"that the highest prices in the region last week were in some of the areas richest communities, i.e. the Hamptons, Darien Connecticut and Croton on Hudson.* Trustee Gallelli said that she was surprised that Croton was grouped with communities like the Hamptons and Darien Connecticut; and welcomed anyone to please explain this type of "zoned pricing." Trustee Gallelli added that we should not put any blame on the local service providers because they are subjected to their distributors who are using this "zoned pricing plan."

Trustee Brennan encouraged everyone to be energy conscious. Trustee Brennan said that Con Edison takes a terrible beating every time we lose power but if you look at the review of other power companies throughout the United States, Con Edison has an unparalleled record of keeping their service going. Trustee Brennan said that he was very

impressed with the Draft Master Plan for Bicycle and Pedestrian Improvements; there are some simple plans that have to do with crosswalks that the Board should consider doing now. Trustee Brennan said that it is a great idea to form an Economic Development Committee; to share ideas and see what we can do for future development in Croton.

Mayor Schmidt said that economic development is a critical area that the Village needs to look at. Mayor Schmidt said that it is an opportunity for Croton to continue to move forward; we are seeing a transition in a lot of our businesses that are addressing the needs of our community and we also look forward to bringing in other businesses that will also service the needs of our residents. Mayor Schmidt said that there are opportunities to also bring in rental units and office space which are the kinds of creative areas that the Village will be looking at. Mayor Schmidt said that what is exciting about this is the economic viability of the Village and how the possible redevelopment will have on increasing tax revenues. Mayor Schmidt said that the Village is basically "built-out" in terms of land that is left and what is going to happen over the next few years is the redevelopment of existing properties. Mayor Schmidt said that the Village has the opportunity to be in control of this development and be in the "*driver's seat*" and bring development into the Village that will continue to make it a great community.

Mayor Schmidt reminded everyone that on July 11th the Village Board will be meeting with residents of the Truesdale & Nordica Drive area to discuss what has been happening at the Croton River; where we are in terms of planning and to discuss how the system that was recently implemented is working.

Mayor Schmidt passed the Liaison schedule to Mr. Zambrano to be put into the record.

On motion of Trustee Brennan seconded by Trustee Gallelli, the following resolution was adopted as follows:

Resolved, that the Board of Trustees of the Village of Croton On Hudson hereby approves going into Executive Session following the close of the Regular Meeting to discuss ongoing litigation regarding Strickland Realty.

There being no further comments to come before the Board, a motion to close the meeting at 9:00pm was made by Trustee Konig and seconded by Trustee Gallelli, all in favor.

Respectfully submitted,

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Pauline DiSanto, Village Clerk